

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

POSTX CORPORATION,

Plaintiff,

vs.

SECURE DATA IN MOTION, INC. d/b/a
SIGABA, CLEARSWIFT
CORPORATION, and JAMES REID.

Defendants.

Case Nos. C02-04483 SI and C03-0521 SI

**[PROPOSED] ORDER GRANTING
SIGABA'S APPLICATION TO FILE
CERTAIN DOCUMENTS UNDER SEAL
PURSUANT TO LOCAL RULE 79-5**

Date: July 15, 2005
Time: 9:00 a.m.
Dept: Courtroom 10, 19th Floor
Judge: Hon. Susan Illston

AND RELATED COUNTERCLAIMS

1 Having considered the papers submitted on the Application to File Certain Documents
2 Under Seal, and good cause appearing therefor,

3 IT IS HEREBY ORDERED, that:

4 Sigaba's Application to File Certain Documents Under Seal is GRANTED, and Sigaba
5 may file the following documents under seal:

6 1. UNREDACTED Reply Brief In Support of Motion For Summary Adjudication On
7 PostX's Common Law and Unfair Competition Claim. Sigaba seeks to file this document under
8 seal because it quotes and discusses evidence that has been designated as Confidential or
9 "Attorneys Eyes Only" by the Parties under the terms of the Revised Protective Order, dated
10 December 30, 2003, in this action. **(FILED UNDER SEAL)**.

11 2. Exhibits A and B to the Declaration of Jahan Moreh In Support of Sigaba's
12 Motion For Summary Adjudication On PostX's Common Law and Unfair Competition Claim
13 Sigaba seeks to file this document under seal because it quotes and discusses evidence that has
14 been designated as Confidential or "Attorneys Eyes Only" by the Parties under the terms of the
15 Revised Protective Order, dated December 30, 2003, in this action. **(FILED UNDER SEAL)**.

16 3. Exhibit E to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's
17 Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which
18 is a true and correct copy of excerpts of the deposition transcript of Thampy Thomas. **(FILED**
19 **UNDER SEAL)**.

20 4. Exhibit G to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's
21 Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which
22 is a true and correct copy of Deposition Exhibit No. 391. **(FILED UNDER SEAL)**.

23 5. Exhibit H to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's
24 Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which
25 is a true and correct copy of an email from Luke Kahlilian attaching a Sigaba press release, dated
26 August 30, 2001. **(FILED UNDER SEAL)**.

27 6. Exhibit I to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's
28 Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which

is a true and correct copy of Deposition Exhibit No. 211. **(FILED UNDER SEAL)**.

7. Exhibit J to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of Deposition Exhibit No. 291. **(FILED UNDER SEAL)**.

8. Exhibit K to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of an email from Patrick Barry to Michael Seashols, dated November 14, 2001. **(FILED UNDER SEAL)**.

9. Exhibit L to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of Deposition Exhibit No. 872. **(FILED UNDER SEAL)**.

10. Exhibit M to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of Deposition Exhibit No. 218. **(FILED UNDER SEAL)**.

11. Exhibit N to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of an email from Jim Reid to Jett Winter, dated January 24, 2002. **(FILED UNDER SEAL)**.

12. Exhibit O to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of a PostX "Cable & Wireless Briefing" Presentation, dated January 24, 2002. **(FILED UNDER SEAL)**.

13. Exhibit P to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of Deposition Exhibit No. 324. **(FILED UNDER SEAL)**.

14. Exhibit Q to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of Deposition Exhibit No. 863. **(FILED UNDER SEAL)**.

15. Exhibit R to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of an email from Scott Olechowski to Steve Saucy, dated April 19, 2002. **(FILED UNDER SEAL)**.

16. Exhibit S to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of Deposition Exhibit No. 186. **(FILED UNDER SEAL)**.

17. Exhibit T to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of excerpts from the deposition transcript of Michael Weir. **(FILED UNDER SEAL)**.

18. Exhibit U to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of excerpts from the deposition transcripts of Cayce Ullman. **(FILED UNDER SEAL)**.

19. Exhibit V to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of excerpts from the deposition transcript of Michael Seashols. **(FILED UNDER SEAL)**.

20. Exhibit W to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of excerpts from the deposition transcript of Billy Parra. **(FILED UNDER SEAL)**.

21. Exhibit X to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which is a true and correct copy of excerpts from the deposition transcript of Susan Dickerson. **(FILED UNDER SEAL)**.

22. Exhibit Y to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's

1 Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which
 2 is a true and correct copy of excerpts from the deposition transcript of Stanley Chin. **(FILED**
 3 **UNDER SEAL).**

4 23. Exhibit Z to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's
 5 Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which
 6 is a true and correct copy of excerpts from the deposition transcripts of James Reid. **(FILED**
 7 **UNDER SEAL).**

8 24. Exhibit AA to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's
 9 Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which
 10 is a true and correct copy of excerpts from the deposition transcripts of John Ferraro. **(FILED**
 11 **UNDER SEAL).**

12 25. Exhibit BB to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's
 13 Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which
 14 is a true and correct copy of excerpts of the deposition transcript of Robert Cook. **(FILED**
 15 **UNDER SEAL).**

16 26. Exhibit CC to the Reply Declaration of Jeffrey M. Fisher In Support of Sigaba's
 17 Motion For Summary Adjudication On PostX's Common Law Unfair Competition Claim, which
 18 is a true and correct copy of Deposition Exhibit No. 306. **(FILED UNDER SEAL).**

19
 20 **IT IS SO ORDERED.**

21
 22 **DATED:** _____

